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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,331	06/13/2001	Karen Eleanor Board	2222.4380001	7159

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
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WASHINGTON, DC 20005

EXAMINER

BHATIA, AJAY M

ART UNIT	PAPER NUMBER
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2145

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/881,331

Applicant(s)

BOARD ET AL.

Examiner

Ajay M. Bhatia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 96-163 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 96-163 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments with respect to claims 43-95 have been considered but are moot in view of the new ground(s) of rejection. Applicant has filed an RCE 3/8/07.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 96-108, and 110-163 are rejected under 35 U.S.C. 102(e) as being anticipated by Fascenda (US Patent 6466937).

For claim 96, Fascenda teaches, a network-based system for providing data to a requesting user comprising:

a server node for receiving an order for user-ordered data from a communication device of the requesting user and for receiving a data feed from an external data source, and for transmitting to the communication device stripped data which is stripped from the data feed in compliance with the order; (Fascenda , Col. 10 lines 41-60, real-time data)

a user-interface component for accepting a user input via the communication device to create the order, the order comprising an alert criteria which comprises; (Fascenda , Col. 7 lines 30-35, trigger event)

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an identified data state and condition, and a display template selected from among a plurality of available display templates according to a user selection; (Fascenda , Col. 10 line 63 to Col. 11 line 30, template database)

and an association between each of a plurality of specific field values of the identified data state and condition, and a plurality of respective selected display templates selected from the plurality of available display templates according to a user selection, such that each of the plurality of respective field values has an associated respective selected display template; (Fascenda , Col. 10 line 63 to Col. 11 line 30, template database)

wherein the server node transmits the stripped data to the communication device of the requesting user in a presentation format personalized according to the selected display template associated with a specific stripped field value of the identified data state and condition and rendered to the requesting user through the communication device of the requesting user, wherein the specific stripped field value matches a specific field value of the plurality of respective field values. (Fascenda , Col. 12 lines 48-67, template fields)

For claim 97, Fascenda teaches, the network-based system of claim 96, further comprising a mass data storage repository accessible to the server node for storing at least one of:

the stripped data; (Fascenda , Col. 10 lines 41-60, service information store)

the order received from the communications device of the requesting user; (Fascenda , Col. 7 lines 20-35, client device request)

the alert criteria received from the communications device of the requesting user; (Fascenda , Col. 7 lines 30-35, trigger event)

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the selected display template; (Fascenda , Col. 10 line 63 to Col. 11 line 30, template database)

and the association between each of the plurality of specific field values of the identified data state and condition, and the plurality of respective selected display templates selected from the plurality of available display templates. (Fascenda , Col. 12 lines 48-67, template fields)

For claim 98, Fascenda teaches, the network-based system of claim 96, further comprising an instance of software executing on the server node for accepting a requesting user profile with requesting user account data from the communication device of the requesting user, for accepting the order for the user-ordered data from the communication device of the requesting user, for stripping the stripped data from the data feed in accordance with the specific field value of the identified data state and condition, and for determining the association between the specific stripped field value and the respective selected display template. (Fascenda , Col. 7 lines 30-35, trigger event , Col. 10 line 63 to Col. 11 line 30, template database , Col. 12 lines 48-67, template fields)

For claim 99, Fascenda teaches, the network-based system of claim 96, wherein the user-interface component is configured for accepting the user input via a wireless communication device of the requesting user. (Fascenda , Col. 5 lines 45-60, wireless)

For claim 100, Fascenda teaches, the network-based system of claim 99, wherein the wireless communication device comprises at least one of a one-way pager, a two-way pager, a hand-held

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computing device, a PDA, or a Web-enabled telephone of the requesting user. (Fascenda , Col. 5 lines 45-60, pda, two-way paging device, etc...)

For claim 101, Fascenda teaches, the network-based system of claim 96, wherein the display template comprises a type of field value and an associated data presentation format to be transmitted to the communication device of the requesting user in response to the alert criteria. (Fascenda , Col. 10 line 63 to Col. 11 line 30, template database)

For claim 102, Fascenda teaches, the network-based system of claim 96, wherein the stripped data transmitted to the communication device of the requesting user comprises a most-recent real time value associated with an alert triggered through detection of the identified data state and condition associated with the alert criteria. (Fascenda , Col. 10 lines 41-60, real-time data)

For claim 103, Fascenda teaches, the network-based system of claim 96 wherein the data is financial data, wherein said financial data comprises at least one of stock news, stock data, stock market news, stock market data, stock prices, interest rates, commodity rates, money market rates, financial institution data, financial institution news, financial market data, financial market news, or publicly oriented financial activity and news information. (Fascenda , Col. 10 lines 41-60, stock quotes)

For claim 104, Fascenda teaches, the network-based system of claim 103, wherein the selected display template is a financial display template comprising at least one of a type of financial field

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value or a financial data presentation format transmitted to the user in response to a financial data alert criteria. (Fascenda , Col. 12 lines 48-67, template fields, precious metals)

For claim 105, Fascenda teaches, the network-based system of claim 104, wherein the financial data alert criteria comprises an identified financial data state and condition of a financial data feed from a financial data source; (Fascenda , Col. 10 lines 41-60, stock quotes, Col. 7 lines 30-35, trigger event)

and wherein the financial alert criteria further comprises an association between each of a plurality of specific financial field values of the identified financial data state and condition, and a plurality of respective selected financial display templates selected from a plurality of available financial display templates. (Fascenda , Col. 12 lines 48-67, template fields, precious metals)

For claim 106, Fascenda teaches, the network-based system of claim 105, wherein the identified financial data state and condition comprises at least a value, a change of value, or a news event for a selected stock, and wherein the financial alert criteria further comprises an association between a specific value, change of value, or news event for the selected stock and a respective selected financial display template. (Fascenda , Col. 7 lines 30-35, trigger event)

For claim 107, Fascenda teaches, the network-based system of claim 96, wherein the network is the Internet network. (Fascenda , Col. 5 lines 45-60, internet)

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For claim 108, Fascenda teaches, the network-based system of claim 107, wherein data transmitted to the communication device of the requesting user is transmitted over a cooperating interfacing network comprising a paging network, a digital wireless network, or a wireless Internet service network. (Fascenda , Col. 5 lines 45-60, internet)

For claim 110, Fascenda teaches, the network-based system of claim 96, wherein the order further comprises a conditional alert, a time-sensitive alert, or an event-driven alert. (Fascenda , Col. 7 lines 30-35, trigger event)

For claim 111. In a network-based system for providing data to a requesting user, an application for managing the functions of the system, comprising:

- a user-interface component for interfacing with a communication device of the requesting user, and for inputting an order for a user-ordered data, the order comprising an alert criteria which comprises:

- an identified data state and condition, and a display template selected from among a plurality of available display templates according to a user selection; (Fascenda , Col. 10 line 63 to Col. 11 line 30, template database)

- and an association between each of a plurality of specific field values of the identified data state and condition, and a plurality of respective selected display templates selected from the plurality of available display templates according to a user selection, such that each of the plurality of respective field values has an associated respective display template; (Fascenda , Col. 10 line 63 to Col. 11 line 30, template database)

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a source-interface component for receiving a data feed from an external data source and parsing the data feed for the user-ordered data, thereby generating stripped data with a stripped specific field value in accordance with a specific field value of the plurality of specific field values of the identified data state and condition of the alert criteria; (Fascenda , Col. 10 lines 41-60, real-time data, Col. 7 lines 30-35, trigger event)

a database management component for associating the stripped data with the communication device of the requesting user, wherein the stripped data will be transmitted to the communication device of the requesting user; (Fascenda , Col. 10 lines 41-60, real-time data)

the database management component further for associating the stripped specific field value with the respective selected display template, wherein the respective selected display template will be associated with a stripped data matching the specific stripped field value of the identified data state and condition; (Fascenda , Col. 10 lines 41-60, real-time data, Col. 12 lines 48-67, template fields)

and a data-transport component for transporting the stripped data to the communication device of the requesting user; (Fascenda , Col. 12 lines 48-67, template fields)

wherein the requesting user is enabled through the user-interface of the application to receive via the communication device the user-ordered data in a format defined by the respective selected display template associated with the specific stripped field value of the identified data state and condition. (Fascenda , Col. 12 lines 48-67, template fields, Col. 10 line 63 to Col. 11 line 30, template database)

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For claim 112, Fascenda teaches, the application of claim 111, wherein the database management component further comprises a database of a plurality of pre-programmed display templates; (Fascenda , Col. 10 line 63 to Col. 11 line 30, template database)

wherein a respective one of the pre-programmed display templates is selectable by a requesting user from among the plurality of pre-programmed display templates to be associated with each of a plurality of respective specific field values of the identified data state and condition. (Fascenda , Col. 10 line 63 to Col. 11 line 30, template database)

For claim 113. (New) The application of claim 112 wherein the pre-programmed display template is customizable via the user-interface component, wherein the application may transmit the user-ordered data in a presentation format customized to the user. (Fascenda , Col. 12 lines 48-67, template fields, precious metals)

For claim 114, Fascenda teaches, the application of claim 111 wherein the user-ordered data further comprises financial data which comprises at least one of stock news, stock data, stock market news, stock market data, stock prices, interest rates, commodity rates, money market rates, financial institution data, financial institution news, financial market data, financial market news, or publicly oriented financial activity and news information; (Fascenda , Col. 12 lines 48-67, template fields, precious metals)

the display template comprises a financial data display template; (Fascenda , Col. 12 lines 48-67, template fields, precious metals)

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and the alert criteria further comprises an identified financial data state and condition, and an association between each of a plurality of specific financial field values of the identified financial data state and condition, and a plurality of respective selected financial display templates selected from a plurality of financial display templates; (Fascenda , Col. 12 lines 48-67, template fields, precious metals)

wherein each of the plurality of specific financial field values has an associated respective financial data display template; (Fascenda , Col. 12 lines 48-67, template fields, precious metals)

and wherein said financial template comprises a template comprising financial data fields suitable for the display of said financial data. (Fascenda , Col. 12 lines 48-67, template fields, precious metals)

For claim 115, Fascenda teaches, the application of claim 114 wherein the requested financial data further comprises a market condition of a selected stock;

the alert criteria further comprises an identified stock data state and condition of the selected stock; (Fascenda , Col. 7 lines 30-35, trigger event)

the display template comprises a stock data display template; (Fascenda , Col. 10 line 63 to Col. 11 line 30, template database)

and the alert criteria further comprises an association between each of a plurality of specific stock field values of the identified stock data state and condition, and a plurality of respective selected stock data display templates selected from a plurality of available stock data display templates; (Fascenda , Col. 7 lines 30-35, trigger event)

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wherein each of the plurality of specific stock field values has an associated respective stock data display template. (Fascenda , Col. 10 line 63 to Col. 11 line 30, template database)

For claim 116, Fascenda teaches, the application of claim of claim 111, wherein the network-based system comprises the Internet. (Fascenda , Col. 5 lines 45-60, internet)

For claim 117, Fascenda teaches, the application of claim 116, wherein the user-interface component interfaces via the Internet with at least one of an Internet-capable wireless communication device of the requesting user or a wireless data network providing wireless connectivity to the communication device of the requesting user. (Fascenda , Col. 5 lines 45-60, internet)

For claim 118, Fascenda teaches, the application of claim 117, wherein the user-interface component interfaces via the Internet with at least one of a one-way pager, a two-way pager, a hand-held computing device a PDA, or a Web-enabled telephone of the requesting user. (Fascenda , Col. 5 lines 45-60, pda)

For claim 119, Fascenda teaches, the application of claim 111 wherein the user-interface component inputs user data of the requesting user, said user data comprising an account data, a contact data, a device data, and a portfolio data; (Fascenda , Col. 10 line 63 to Col. 11 line 30, template database)

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and wherein the application manages an interaction with the user via the database management component and the data-transport component in accordance with the user data. (Fascenda , Col. 10 line 63 to Col. 11 line 30, template database)

For claim 120, Fascenda teaches, the application of claim 111, wherein the order further comprises a conditional alert, a time-sensitive alert, or an event-driven alert. (Fascenda , Col. 7 lines 30-35, trigger event)

For claim 121, Fascenda teaches, the application of claim 111, wherein the data transport component periodically pushes data to the communication device of the requesting user in response to an order for periodic data from the requesting user received through the user-interface component, wherein the data push is a periodic data push. (Fascenda , Col. 7 lines 30-35, request)

For claim 122, Fascenda teaches, the application of claim 111, wherein wherein the data transport component pushes data on demand to the communication device of the requesting user in response to an on-demand order from the requesting user received through the user-interface component, wherein the data push is an on-demand data push. (Fascenda , Col. 7 lines 30-35, request)

For claim 123, Fascenda teaches, the application of claim 122, wherein a bi-directional interface of the user-interface receives the on-demand order. (Fascenda , Col. 7 lines 30-35, request)

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Claims 124-163 are directed to the same invention as claims 96-123. Therefore, the supporting rationale of the rejection to claims 96-123 applies equally as well to claims 124-163.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 109 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fascenda (US Patent 6466937).

For claim 109, Fascenda teaches, the network-based system of claim 96, wherein server node further comprises means for parsing the data feed (Fascenda , Col. 10 lines 41-60, real-time data)

Fascenda fails to teach, converting the data feed into eXtensible Markup Language (XML) for internal data processing.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to convert the streamed data into XML format since the data would be going to internet devices. (Fascenda , Col. 5 lines 45-60) Please also note that Fascenda discloses devices that are similar to the device disclosed in current application (PGPUB (current application),

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paragraphs 66, 73, 79), Fascenda disclose both a RIM and Palm Pilot. (Fascenda , Col. 8 line 62 to Col. 9 line 15)

Conclusion

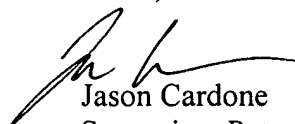
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB


Jason Cardone
Supervisor Patent Examiner
Art Unit 2145